

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGIA-PACIFIC CONSUMER)
PRODUCTS LP,)
FORT JAMES CORPORATION, and)
GEORGIA-PACIFIC LLC)

Plaintiffs,)

v.)

NCR CORPORATION,)
INTERNATIONAL PAPER CO.,)
and WEYERHAEUSER CO.,)

Defendants.)

No: 1:11-cv-00483

Judge Robert J. Jonker

STIPULATION ON NCR MOTION TO COMPEL AND OTHER DISCOVERY ISSUES

Plaintiffs, Georgia-Pacific Consumer Products LP, Fort James Corporation, and Georgia-Pacific LLC (collectively “Georgia-Pacific”), and Defendant NCR Corporation (“NCR”), by counsel, enter into this Stipulation for the purpose of resolving Defendant NCR Corporation’s Motion to Compel Plaintiffs to Produce Non-Privileged Documents Concerning Third Parties (Docket #185), filed on March 26, 2012, and other discovery issues. Georgia-Pacific and NCR hereby stipulate and agree as follows:

1. Except to the extent already produced in this litigation, Georgia-Pacific will produce to NCR, and NCR will produce to Georgia-Pacific, all otherwise discoverable written communications to and from current or former employees of companies which were involved in factual matters underlying the claims and defenses in the litigation and who were contacted as part of their investigation of such claims and defenses. This includes, by way of example, current or former employees of the parties and their current or former subsidiaries, MeadWestvaco, brokers, Allied Paper Corporation, other companies which operated paper mills

on the Kalamazoo River, and shippers of broke, including truck drivers, railroad employees, etc. This agreement includes such written communications between such current or former employees and agents for Georgia-Pacific and NCR, such as counsel, consultants or investigators for Georgia-Pacific or for NCR.

2. This agreement specifically excludes from its scope communications to and from persons contacted solely for purposes of *Appleton Papers, Inc., et al. v. George A. Whiting Paper Co., et al.*, Case No. 08-CV-16, United States District Court for the Eastern District of Wisconsin.

3. In light of Ronald Hanson's deposition testimony, Georgia-Pacific will produce written communications with Ronald Hanson relating to this case up until the time that he was subpoenaed to testify.

4. Except to the extent described above, Georgia-Pacific and NCR do not waive any claims of privilege. Each party agrees that it will not contend that the disclosures described in paragraphs 1-3 constitute a waiver of privilege as to any other documents. For the avoidance of doubt, the disclosures described in paragraphs 1 - 3 are intended to exclude communications protected by the attorney-client privilege.

5. NCR hereby withdraws its Motion to Compel Plaintiffs to Produce Non-Privileged Documents Concerning Third Parties (Docket #185), filed on March 26, 2012.

6. Defendant NCR Corporation's Rule 26(a)(1) Initial Disclosures, served on August 5, 2011, identified the following persons as former employees of NCR who are likely to have discoverable information that NCR may use to support its defenses: Donald Burke, Richard Cimaglia, James Shearer and William Sullivan. NCR agrees that it will not use these four former employees for any purpose, including, for example, testimony at trial, affidavits in connection with pretrial motions, interviews for the purpose of providing information to experts,

etc. Based on this representation, Georgia-Pacific agrees that it will not depose these four former employees as would otherwise be allowed by the Stipulation on Certain Limited Discovery and Expert Reports (Docket # 196), filed on March 29, 2012.

**GEORGIA-PACIFIC CONSUMER PRODUCTS,
LP., FORT JAMES CORPORATION, and
GEORGIA-PACIFIC LLC**

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The foregoing Stipulation is hereby approved and so ORDERED.

Dated: _____

Robert J. Jonker
United States District Judge